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June 1, 2005

BY ELECTRONIC FILING

The Honorable Kent A. Jordan
United States District Court
844 North King Street, Room 4209
Wilmington, DE 19801

**RE: Eames v. Nationwide Mut. Ins. Co.
C.A. No.: 04-CV-1324KAJ**

Dear Judge Jordan:

Tomorrow was the scheduled day for three events in this case: depositions of the Rule 30(b)(6) designees for two nonparty (Nationwide) insurance agents, and a telconference regarding a discovery dispute between the Eames plaintiffs and Nationwide. This afternoon Ms. Stein called from chambers to say that the teleconference had been canceled; and shortly thereafter, the insurance agents' counsel, Mr. Leoni, sent me an e-mail message questioning whether tomorrow's depositions should go forward.

These events have arisen, of course, in the wake of the Court's May 26, 2005 Order Granting Certification of Interlocutory Appeal, and Nationwide's motion to stay (filed yesterday).

Under the circumstances, the Eames plaintiffs agree that proceedings in this Court should be stayed pending the outcome of our petition for permission to appeal before the Third Circuit. (That petition should be filed as early as tomorrow.) We therefore will not oppose Nationwide's motion to stay. I note, however, that in consenting to a stay, and to the suspension of discovery proceedings in this Court, we are relying on certain agreements reached among counsel today. Specifically, Nationwide has agreed that in the event the case ultimately goes forward in this Court, it will not oppose any reasonable adjustment to the case schedule, and particularly to the deadline for briefing on class certification issues. Mr. Leoni, for his part, has agreed that his clients will promptly complete their production of documents (already in progress), and notwithstanding any stay that the Court might enter.

I am available to address any questions regarding this matter.

The Hon. Kent A. Jordan
June 1, 2005
Page 2

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/slr
cc: Curtis P. Cheyney, III, Esq. (by electronic filing)
Robert J. Leoni, Esq. (by facsimile and mail)

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

| | | |
|-----------------------------------|---|------------------------|
| THOMAS A. EAMES, ROBERTA L. EAMES |) | |
| and TAMMY EAMES, on behalf of |) | |
| themselves and all others |) | |
| similarly situated, |) | |
| |) | |
| Plaintiffs, |) | C.A. No. 04-CV-1324KAJ |
| |) | |
| v. |) | |
| |) | |
| NATIONWIDE MUTUAL INSURANCE |) | |
| COMPANY, |) | |
| |) | |
| Defendant. |) | |

NOTICE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

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Thomas A. Eames, Roberta L. Eames and
Tammy Eames (on behalf of themselves and
all others similarly situated)

June 1, 2005